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REPORT
OF
PARDONS, COMMUTATIONS
AND REPRIEVES,
1880-82,
WITH THE
Reasons Therefor.

REPORT.

NO- 1.

ED. CARTER (colored). Henry county. Buglary. Convicted at the fall term, 1880, of the circuit court. Penitentiary, two years. In recommending his pardon, Judge Clayton said: The convict, Ed. Carter, "is a colored man who has heretofore borne a good character, especially for industry and thrift. He is well regarded by the white people generally. He was convicted of burglary; but regarding the spirit of the prosecution, I have doubt of his guilt." Solicitor Lee concurred in this statement and in the recommendation for executive clemency. The petition for pardon was signed by Dan Gordon, probate judge-elect, R. C. Granberry, sheriff, John B. Foster, register in chancery, and other good citizens of the county familiar with the case. Pardoned November 13th, 1880.

NO. 2.

FRANCIS DE LA FRANCE. Mobile county. Gaming. Convicted at the February term, 1880, of the city court of Mobile. Fine, two hundred and fifty dollars. The fine was reduced to one hundred dollars, upon the petition and representations of Leslie E. Brooks, Thomas H. Herndon, D. T. Parker, S. Croom, Neil McCarran, Braxton Bragg, Leslie B. Sheldon, and others, November 22nd, 1880.

MO. 3.

JACK PETTY (colored). Barbour county. Buglary, three charges. Convicted at fall term, 1874, of the circuit court. Penitentiary on the three charges, twenty five years. Pardoned December 6th, 1880, upon the petition and recommendation of Judge Clayton, Senator Roquemore, Representative White, Representative Wellborn, Probate Judge Jones, the clerk of the circuit court, tax assessor, the treasurer, the register in chancery, Jere N. Williams and others.

NO. 4.

JAMES MULLIGAN. Fayette county. Assault with a rock. Convicted at the fall term, 1880, of the circuit court. Fine fifty dollars. Mulligan was a poor man, quiet, industrious and peaceable, a member of the church, and much respected by his neighbors. There were mitigating circumstances in the case. On the 6th of December, 1880, the fine was remitted upon the petition of B. H. Williams, probate judge; F. M. Cain, sheriff; Holland M. Bell, circuit clerk; J. C. Moore, register in chancery; John B. Sanford, the prosecuting attorney, and many others.

NO. 5.

LEE GASTON (colored). Dallas county. Burglary. Convicted at the fall term, 1878, of the circuit court. Hard labor for the county, two years, and for an additional period to pay costs at thirty cents a day. The convict was about thirteen years old. He entered a store, in which he was employed as servant, by unlocking the door with a key carelessly left in his reach, and stole about five dollars worth of goods. He had served out the sentence for the offence. Pardoned December 6th, 1880.

NOS. 6 & 7.

FED THORNTON and TOM McNEIL (colored). Barbour county. Grand larceny. Convicted at the fall term, 1874, of the circuit court. Penitentiary, ten years in each case. Previous to their conviction they had borne good characters, and their conduct as convicts had been good. "Their offence was in large measure the effect of the evil times of its commission." They had already been severely punished. It was thought their pardon would have a good effect upon others of their race. Pardon was recommended by Judge Clayton, Solicitor Lee and Senator Roquemore, and by B. B. Comer, in whose custody they had been. Pardoned January 5th, 1881.

NO. 8.

JESSE HARRIS (colored). Marengo county. Grand larceny and escape. Convicted at the fall term, 1874, of the circuit court of larceny, and at the fall term, 1877, of the circuit court, of the escape. Hard labor for the county, two years for grand larceny and hard labor for the county, four years for the escape. He was less than fifteen years old when he committed the first offence, and only sixteen, when under the evil influence of older and worse

men he committed the escape. He had been at hard labor in all about four years. His pardon was asked by the probate judge, the sheriff, the clerk of the circuit court, the register in chancery, the county treasurer, the lessees of county convicts for whom he had worked, and other good citizens. Pardoned January 12th. 1881.

NO. 9.

B. M. WOOLSEY and HOWARD CAMPBELL. Dallas county. Forfeiture on bail bond. Final judgment at the June term, 1879, of the city court of Selma. Two hundred and fifty dollars. At the time the bond was given, July 3rd, 1878, fines and forfeitures to the county of Dallas were payable in county scrip, which could be bought at from five cents to twenty cents on the dollar. Subsequently, on the 12th of February, 1879, by act of the legislature such fines and forfeitures were made payable in currency only. The sureties were on the bond of one Green Johnson (colored), who was in jail charged with grand larceny, and sick, and the purpose of the bail was a humane act, without hope or expectation of profit. It was thought just to reduce the forfeiture to something near the currency value of the county scrip, in which at the date of the undertaking it might have been discharged. On the 13th of January, 1881, two hundred dollars of the forfeiture was remitted.

NO: 10.

JOSEPH LITTLE. Baldwin county. Assault with intent to murder. Convicted at the fall term, 1877, of the circuit court. Penitentiary, two years. Little had served out his sentence in the penitentiary. His neighbors asked a pardon for the restoration of the civil and political rights and privileges forfeited by his conviction. Pardoned February 9th, 1881.

NO. 11.

CHARLES T. RUSSELL. Etowah county. Burglary. Convicted at the spring term, 1879, of the circuit court. Hard labor for the county, two years. Upon the recommendation of the commissioners' court, a deduction of two months from each year of the sentence for good conduct as a convict was made on the 10th of February, 1881.

NO. 12.

JUSTIN LARTIGNE. Mobile county. Seduction. Convicted at the November term, 1880, of the city court of Mobile. Peni-

tentiary, one year. Lartigne having made the only reparation in his power for the great wrong done, by marrying the victim of his crime, Judge Semmes, Solicitor Clarke, and the jury recommended his pardon, which was granted February 10th, 1881.

NO. 13.

CAVE LOWRY (colored). Montgomery county. Violation of seed cotton law. Convicted at the spring term, 1880, of the city court of Montgomery. Hard labor for the county, two years. Lowry was jointly indicted with a white man, whose name is not on record, for the offence of buying cotton in the seed. He was in the employment of his co-defendant, who kept a small store in the country. The employer bought the seed cotton, and the servant appears to have simply received it and put it away as he was directed to do. He was pardoned, February 17th, 1881, upon the petition of the judge, the solicitor and the prosecutor.

NO. 14.

HENRY GREENE (colored). Lee county. Adultery. Convicted at the spring term, 1880, of the circuit court. Fine, one hundred dollars. The convict proved a good character up to the commission of this offence. He had been in jail nearly six months before trial. He had paid costs amounting to eighty-four dollars. It was thought he had been adequately punished. A remission of the fine was recommended by Judge Cobb, Solicitor Dowdell, Probate Judge Edwards, Sheriff Albright, Tax Collector Williamson, and a number of the members of the Lee county bar. The fine was remitted February 23rd, 1881.

NO. 15.

IKE JARVIS (colored). Greene county. Perjury. Convicted at the fall term, 1880, of the circuit court. Penitentiary, two years. Jarvis was deformed from prolonged and severe rheumatism, and could walk with great difficulty. His pardon was asked in the name of humanity by Probate Judge Oliver, Sheriff Alley, Representative Clark, several members of the Greene county bar, and many other citizens. Pardoned February 28th, 1881.

NO. 16.

ASBURY WIGGINS. Fayette county. Convicted at the fall term, 1880, of the circuit court. Fine, fifty dollars. The convict was

young and poor, and of good character. He had no evil intention, but thought it was a grand thing to have and carry a pistol. He had thoroughly repented of his folly while working as a day laborer to pay fine and costs, and promised never again to carry a pistol in any manner. Upon the petition of Probate Judge Bell, Sheriff Cain, Register in Chancery McGuire, Senator Musgrove, Representative Kirkland, and others, one half the fine was remitted March 1st, 1881.

NO. 17.

LATIMORE JOHNSON (colored). Perry county. Petit larceny. Convicted at the fall term, 1870, of the circuit court. Fine, one dollar. The fine was paid and costs satisfied. Subsequent to this offence he had conducted himself well, and his pardon was asked in order to restore the civil and political rights and privileges forfeited by the conviction. This was asked by Circuit Judge Moore, Probate Judge Stewart, all the other county officers, and several of the best known members of the Perry bar. Pardoned March 4th, 1881.

NO. 18.

ROBERT DUNCAN. Franklin county. Malicious killing of live stock. Convicted at the fall term, 1880, of the circuit court. Fine, twenty dollars. Duncan was seventy years of age, and had lived in the county five years. He was illiterate and poor. His character was good. He declared his absolute and entire innocence under oath. He was convicted upon circumstantial testimony that satisfied the jury, where his own evidence could not be heard and weighed. A remission of the fine was urged by Senator Musgrove, Representative Cunningham, Judge Moody, and other county officers, and many of his neighbors who believed him not guilty. The fine was remitted March 9th, 1881.

NO. 19.

M. M. JACKSON. Coffee county. Grand larceny. Convicted at the fall term, 1879, of the circuit court. Hard labor for the county two years. In recommending this case to executive clemency, Judge Clayton, who tried it, said: "I recommend that the within petition be granted. The conviction was fair, and proper upon the evidence. The prosecution was prompted by personal animosities as I thought rather than a desire to promote the public good. My information is, that the petitioner has hitherto sustained a good character. The evidence showed

“that he was an accomplice before that act only, and not principal in the theft.” Solicitor Lee concurred in this.

NO. 20.

EDOM JENKINS (colored). Wilcox county. Bigamy. Convicted at the spring term, 1877, of the circuit court. Hard labor for the county, two years, and an additional time (about three and a half years) to pay costs. He had served about four years. Pardoned March 9th, 1881.

NO. 21.

GEORGE JOHNSON (colored). Wilcox county. Bribery. Convicted at the spring term, 1880, of the circuit court. Penitentiary, ten years. The material witness for the State against Johnson was one March Joe. His character was impeached by the affidavits of S. J. Ervin, Abe Saterwhite, and Walker Charleston, filed in the executive office. These affidavits were submitted to Judge Henry, before whom the case was tried, and to Nick Stallworth, the solicitor who prosecuted it, upon which they joined in the recommendation for pardon, which was granted March 9th, 1881.

NO. 22.

SYLVA MACON (colored). Dallas county. Larceny. Convicted at the fall term, 1878, of the circuit court. Hard labor for the county, two years, and additional for costs three hundred and forty two days. She had served out the sentence for larceny and four months of that for costs. The petition for pardon was signed by J. F. Conoley, S. W. John, J. R. Satterfield, John White, H. S. D. Mallory, J. F. John, W. C. Ward, Sumter Lea, J. C. Reid and M. H. May, of the Dallas bar, by Judge Craig, and by many other prominent citizens. Pardoned March 15th, 1881.

NOS. 23 & 24.

MONROE GREEN and TAT HALL (colored). Tuscaloosa county. Maliciously killing a cow. Convicted at the spring term, 1879, of the circuit court. Hard labor for the county, two years each, and in each case an additional term, not stated, for cost. The costs were subsequently paid. They had been good convicts, and upon the recommendation of the commissioners' court would have been entitled to a deduction of two months

from each year of their sentences; but this was not made. The petition for their pardon was signed by N. H. Browne, probate judge, W. G. Cochrane, the solicitor who prosecuted the case, H. H. Brown, J. T. Searcy, A. C. Hargrove, S. A. M. Ward, Monroe Donoho, and others. Pardoned March 20th, 1881.

NO. 25.

GEC. W. HATCHETT. Coosa county. Assault and battery. Convicted at the fall term, 1880, of the circuit court. Fine, one hundred and fifty dollars. Mr. Hatchett was an old man, was peaceable and quiet, was seriously afflicted with asthma, and was small in size. Oliver, upon whom the assault was made, was a hale, hearty, healthy young man of twenty one, and it was alleged he had provoked the attack. The jury assessed the fine upon the hypothesis that it could be paid in county scrip at ten or fifteen cents on the dollar; but it was found this scrip could not be bought for much less than its face value. A petition for the remission of the fine was signed by John S. Bently, probate judge; H. R. Robbins, sheriff; Wash L. Smith, circuit clerk; T. P. Crawford, tax collector; and J. H. Neighbors, J. T. Nelson and J. J. M. Willis, county commissioners; and by a good many citizens of Rockford and vicinity. One hundred and twenty five dollars of the fine was remitted April 13th, 1881.

NO. 26.

JOE ARDIS, (colored). Dale county. Carrying a weapon concealed. Convicted at the fall term, 1879, of the circuit court. Fine, one hundred dollars. Ardis was about sixteen years old. The pistol carried concealed by him was a single-barrel weapon with a broken lock, that had been used as a toy by the children of J. R. Edwards, with whom the convict had been in the habit of playing. This pistol was carried by the convict to a colored dance in the neighborhood. This was the offence. The costs to be paid amounted to over eighty dollars. The fine was reduced to fifty dollars, April 18th, 1881.

NO 27.

LOGAN OVERFIELD, (colored). Baldwin county. Adultery. Convicted at the fall term, 1880, of the circuit court. Fine, five hundred dollars. A white man tried and convicted of the same offence at the same term of the court was fined one hundred dollars. There were no aggravating circumstances in Overfield's case. The Solicitor who prosecuted declared the fine excessive, and so

did D. C. Andersen, of Mobile, who was present at the trial. The fine was reduced to one hundred dollars, April 20th, 1881.

NO 28.

BILL HAWKINS, (colored). Pickens county. Perjury. Convicted at the spring term, 1881, of the circuit court. Penitentiary. two years. Hawkins was seventy years old. He had but one arm. A leg and foot were badly crippled. His character had been good. The offence was committed when he was drunk. A commutation of the sentence was recommended by Solicitor Coleman and Judge Mudd, and asked by L. M. Stone, D. C. Hods, J. A. Billups, E. D. Willett, W. F. Johnston, and others. The sentence was commuted to six months hard labor for the county, April 23d, 1881.

NO. 29.

J. W. McCLENDON. Jefferson county. Buying mortgaged property. Convicted at the fall term, 1879, of the circuit court. Fine, one hundred dollars. McClendon was a poor man. His character was good. The value of the property bought was six dollars. He was tried before Justice McAdory, for the offence, and fined five dollars, from which judgment he appealed to the circuit court, with the result as above. Upon the recommendation of Judge Mudd, and the petition of John D. Strange, Wm. S. Earnest, E. K. Fulton, R. A. McAdory, Ellis Phelan, John T. Terry, J. E. Hawkins, J. C. Morrow and others one-half the fine was remitted April 25th, 1881.

NO. 30.

ARCHIE PECK (colored) and W. W. POWERS. Hale county. Forfeiture on bail bond. Final judgment at the fall term, 1878, of the circuit court. Seventy-five dollars. These were sureties on the appearance bond of Ike Peck (colored), charged with perjury. At the term of the court at which the forfeiture was taken, the indictment against Ike Peck was found to be fatally defective, and no indictment was subsequently found. Archie Peck, upon whom the burden of payment would rest, was an old man, of good character, highly esteemed, and poor. A remission of the forfeiture was recommended by Judge Craig and Solicitor Suttle, and asked for by Probate Judge Hobson, Circuit Clerk Boardman, County Treasurer Chadwick, A. M. Dorman, mayor of Greensboro, and members of the Hale bar. The forfeiture was remitted May 4th, 1881.

NO. 31.

THOMAS E. BONNER. Choctaw county. Selling liquor without license. Convicted at the spring term, 1881, of the circuit court. Fine, ninety dollars. Bonner and one Martin were partners in business, and sold liquor. License for the sale of liquor was taken out in Martin's name alone. In the latter part of the year, Bonner bought Martin's interest in the business, and continued it without change in the license. Bonner was a young man, without experience, and appears to have violated the law without intention. Upon the recommendation of Judge Toulmin, and the petition of all the county officers, the fine was remitted May 17th, 1881.

NO. 32.

ALLEN SHAVER (colored.) Montgomery county. Murder in the second degree. Convicted at the July term, 1877, of the city court of Montgomery. Penitentiary, fifteen years. Shaver's wife was insane. She had at times been confined as insane in the county jail. At times she was violent and dangerous. Efforts to get her into the asylum had been in vain. Shaver was poor, and was necessarily absent from his house at work much of his time. His wife was frequently chained at home during his absences, to prevent her from injuring herself or others. At the time of her death, she was chained to the wall of her room, with a chain of such length as to enable her to sit up or lie down on her bed. On the evening of her death, Shaver came home, then went to a neighbor's for matches or a light, and returning gave the alarm that she was dead. There was some evidence tending to show that he had treated her unkindly and harshly. He was charged with killing her, and convicted of murder in the second degree. Mrs. Mary S. Clark, a most estimable lady, near whom the Shavers lived, who was not examined at the trial, files a statement casting doubts upon the evidence of cruel treatment, and graver doubts upon the guilt of the convict. Mrs. Clark saw the woman twice during the day of her death, and the last time thought her dying, and so told her (Mrs. Clark's) husband. Other evidence of a similar character was put on file. Upon a review of the case, in connection with the new evidence, Judge Minnis, who presided at the trial, recommended a pardon, and so did most of the jurors who sat in the case. Pardoned May 27, 1881.

NO. 33.

SILAS DOTSON. Limestone county. Bigamy. Convicted at the spring term, 1879, of the circuit court. Penitentiary, five

years. Dotson's good character previous to this offence was proven. His first wife had a bad reputation, and she had been separated from him. It was claimed that with good reason he thought her dead when he married again. It was alleged that he was forced to trial without the presence of material witnesses. A petition for his pardon was signed by J. P. Mingea, sheriff; J. A. Moore, circuit clerk; L. R. Davis, register in chancery; and James Benagle, B. M. Sowell, J. B. McDonald, J. N. Malone, A. P. Lane, R. A. McClelland, T. N. McClellan, all the jurors, and many others. He was pardoned June 7th, 1881.

NO. 34.

GEORGE GRIFFIN (colored.) Jefferson county. Rape. Convicted at the spring term, 1881, of the circuit court. Sentenced to be hanged July 1st, 1881. Pending an application for a commutation of the death penalty to imprisonment for life, on the 28th of June he was respited to the 29th of July, 1881; and on the 29th of July he was further respited to August 12th, 1881, when the death sentence was executed.

NO. 35.

FRANK McPHILLIPS. Clarke county. Peddling on foot without license. Convicted in a justice's court. Fine, thirty dollars. He subsequently took out license, and upon the petition of the probate judge and of the commissioners of the county, the fine was on the 1st of July, 1881, remitted.

NO. 36.

J. O. WY ROSDICK. Coffee county. Adultery. Convicted at the spring term, 1881, of the circuit court. Fine, one hundred dollars. Rosdick was a poor man, industrious, and of general good character. He and the woman in the case were married to each other after the conviction. It was alleged that the State could not have made a case against him, and that he pleaded guilty to spare the woman. A remission of the fine was recommended by J. J. Hammond, register in chancery, David Churchwell, clerk of the circuit court, and a great many of the neighbors of the parties. The fine was remitted July 1st.

NO. 37.

THOMAS GRIFFIN. Tallapoosa county. Grand larceny. Convicted at the fall term, 1880, of the circuit court. Peniten-

tiary, two years. This was a family affair. The cow stolen belonged to an aunt of the convict, and the defence was that young Griffin thought the animal belonged to his grandfather's estate, to which he intended to account for the proceeds of the sale he made of it. The father of the convict swore that he directed his son to sell the cow, and that the son paid over to him the proceeds of the sale. Miss Griffin, the owner of the property, prosecuted with great bitterness, but subsequently relented and earnestly urged that the convict be pardoned. The petition for pardon was signed, with many others, by A. D. Sturdivant, probate judge; by all the jurors; by J. M. Oliver, H. A. Garrett, John A. Terrell, W. D. Bulger, C. L. Pearson, James M. Pearson, and H. G. Gillam, lawyers; and by James H. Lowry, publisher, and J. C. White, editor of the "Democrat." Pardoned July 1st, 1881.

NO. 38.

BETTIE PERKINS. Marengo county. Burglary. Convicted at the spring term, 1881, of the circuit court. Hard labor for the county one year. Bettie was jointly indicted with her step-father, under whose influence she acted, and both were convicted. The solicitor recommended pardon, in which Judge Toulmin concurred, as her co-defendant was the more guilty, and as the law had been vindicated; and C. B. Cleveland, circuit clerk, and W. L. Agee, sheriff, petitioned for pardon for her. Pardoned July 1st, 1881.

NO. 39.

GEORGE W. SEXTON. Butler county. Petit larceny. Convicted at the spring term, 1879, of the circuit court. Imprisonment in jail for one hour and a fine of five dollars. It was a very petit larceny. The imprisonment had been suffered and the fine had been. Pardon was asked for the restoration of forfeited civil and political rights and privileges, and was recommended by Judge Henry who tried, and Solicitor Stallworth, who prosecuted the case. Pardoned July 1st, 1881.

NO. 40.

DANIEL BARNES. Coosa county. Defamation. Convicted at the fall term, 1880, of the circuit court. Hard labor for the county for thirty days. Barnes was convicted of assault and battery, and of defamation. In the case for assault and battery, on his failure to pay or confess a fine of one hundred dollars, he was sentenced to jail for four months. For defamation, he was sentenced as above. He had been in jail from the 3d of April, 1880.

He remained in jail after conviction four months under the sentence for assault. From the effects of a wound received during the war between the States, he was disabled from hard labor. He had been severely punished. His pardon was asked by John L. Bently, probate judge, J. A. Collier, deputy sheriff, J. H. Parker, register in chancery, three members of the commissioners' court, Felix L. Smith and L. E. Parsons, members of the bar, and others. Pardoned July 9th, 1881.

NO. 41.

P. C. WATTS. Bullock county. Keeping a billiard table without license. Convicted at the spring term, 1881, of the circuit court. Fine, one hundred and fifty dollars. Watts had taken out license for a pool table, and at the time of taking out that license he proposed to the probate judge to take license for the billiard table, not yet bought, but was advised to wait until the latter table was received. When it was received, through inadvertence, and not with intention to violate the law, he neglected to get license. Upon the recommendation of Probate Judge Feagin, Solicitor Lee and others, one hundred dollars of the fine was remitted July 25th, 1881.

NO. 42.

L. M. POWELL, ISAAC VEITCH and H. F. FANCHER. Jefferson county. Forfeiture on bail bond. Final judgment at the spring term, 1880, of the circuit court. Four hundred dollars. This was to relieve Veitch and Fancher, sureties on the forfeited appearance bond of L. M. Powell. After Powell's failure to appear according to the undertaking, and after judgment on the bond, the sureties followed him up, re-arrested him, and delivered him into the custody of the Sheriff at their own proper cost. A remission of the forfeiture was asked by G. W. Hewitt, A. C. Bradley, John C. Morrow, W. T. Earnest, W. F. Smith and others, and it was ordered July 26th, 1881.

NO. 43.

FRANK BARNES. Jefferson county. Grand larceny. Convicted at the spring term, 1881, of the circuit court. Penitentiary, five years. Barnes was about sixteen years old. He had never had mind enough to know or appreciate the effect of his acts, and had always had at the hands of his parents the attention rendered necessary by his feeble intellect. He was never permitted to leave home without some one to look after and take

care of him. In April before the offence was committed, he escaped from his family in Tallapoosa county, and they had no information thereafter of his whereabouts until they learned of his conviction and incarceration in the penitentiary. Wandering into Jefferson county, he took a horse from one Mac Jones, and in the immediate neighborhood hired himself and horse for farm work. The horse was returned to or recovered by its owner in two or three days. The offence was committed during the court term, and he was arrested, pleaded guilty and sentenced in a few days, without any such defence as would have been made if his friends had known of his peril. Pardoned August 16th, 1881.

NO. 44.

P. A. TUTWILER and ELISHA YOUNG. Hale county. Forfeiture on bail bond. Final judgment at the spring term, 1881, of the circuit court. One hundred dollars. These were sureties on the bail bond of one John Hutchinson, who, consumptive and in wretched health, was released from jail, where he was confined on a charge not stated, upon this bond, which appears to have been entered into solely from humane motives. Dr. Young, one of the sureties, treated Hutchinson for consumption until the latter left Greensboro, before the day set for his appearance in court. It was believed Hutchinson had died, though no proof of this was offered. Remission of the forfeiture was asked by J. M. Hobson, probate judge; W. N. Knight, sheriff; V. Boardman, circuit clerk; G. W. Chadwick, treasurer; Thos. Seay, senator; C. C. Walker, acting solicitor, and others. The forfeiture was remitted September 2d, 1881.

NO. 45.

JERRY ABEL. Cleburne county. Assault with intent to murder. Convicted at the fall term, 1881, of the circuit court. Penitentiary, two years. Abel was a young man, of good family, good character, and good habits. The offence, was committed when he was drunk, and the only time he had ever been drunk. He was guilty of an aggravated assault clearly, but in the opinion of the judge who tried him, the felony was not sufficiently established. His pardon, or a commutation of his sentence, was recommended by Judge Box, T. J. Burton, judge of probate, the members of the commissioners' court of the county, the lawyers present at the trial, A. Woods, judge of probate of Calhoun county, W. H. Forney, member of Congress, and several hundred other citizens of the county. On the 7th of September the punishment was commuted to a fine of three hundred dollars.

NO. 46.

G. Y. McLURE. Pike county. Assault and battery. Convicted at the spring term, 1881, of the circuit court. Fine, three hundred dollars. McLure was of good family and good character, and a minor. The assault was upon J. K. Mark, a retailer of spirituous liquors. The difficulty grew out of Mark's persistency in attempting to collect a bill due him by the convict, for liquor it is understood. Mark had been abusive, insulting, and threatening. When McLure was leaving the grocery, where Mark had threatened "to whip hell out of him," the latter followed him about one hundred yards, and, after offensive words, took him by the throat. McLure released himself, stepped back a few feet, and shot, inflicting a painful wound. Upon the petition of John P. Hubbard, (not judge in the case) W. H. Parks, and others, one half the fine of three hundred dollars was remitted September 9th, 1881.

NO. 47.

JOHN NOLEN. Lamar county. Selling liquor without license. Convicted at the spring term, 1876, of the circuit court. Fine, forty-five dollars. Nolen was very poor, and badly crippled from infancy. His feet were doubled under him when sitting, and he could move about only with his hands or the aid of short crutches. He in 1875, got seven gallons of whisky for a debt, and bartered it out in the neighborhood for corn. He was convicted in 1876, but the fine had not been paid, and could have been collected by no process known to the law. The officers of the county, and others, asked that it be remitted, which was ordered September 22d, 1881.

NO. 48.

SAMPSON FAULK. Pike county. Carrying a weapon concealed. Convicted at the spring term, 1881, of the circuit court. Fine, fifty dollars. Faulk was an honest, peaceable, quiet, inoffensive, and poor man. He was night watchman at a grist and planing mill, and it was while on duty that he carried in his pocket the pistol, which he had a right to carry but not to carry concealed. Remission of the fine was asked by W. J. Hilliard, judge of probate, J. F. Tyler, county treasurer, Oglethorpe Worthy, circuit clerk, and three of the county commissioners, and by B. W. Starke, L. H. Bowles, M. N. Carlisle, J. R. Goldthwaite, W. H. Park, Henry C. Wyley, John P. Hubbard, and others. The fine was remitted October 7th, 1881.

NO. 49.

ISAAC N. WOODWARD. Pickens county. Negligent escape. Convicted at the fall term, 1881, of the circuit court. Fine, two hundred dollars. Woodward was constable, and permitted a negro charged with some petty offence, to escape from his custody under circumstances that justified the indictment and conviction. The jury petitioned for an entire remission of the fine. Judge Mudd and Solicitor Coleman thought the penalty of the law too great for the case, and recommended a reduction of the fine to fifty dollars. One hundred and fifty dollars of the fine was remitted October 7th, 1881.

NO. 50.

JAMES E. HAWKINS, FRANK DIFFEY (colored), MILES BROWN (colored), and HARKLESS HAWKINS (colored). Jefferson county. Forfeiture on bail bond. Penal judgment at the spring term, 1881, of the circuit court. Two hundred dollars. These were sureties on the appearance bond of one More Hawkins (colored), charged with larceny. It was shown they had made effort, and had spent about eighty-five dollars therein, to arrest and bring back the accused. The judge of probate and three of the county commissioners recommended a remission of the forfeiture, which was ordered October 7th, 1881.

NO. 51.

CHARLES KING. Montgomery county. Burglary. Convicted at the fall term, 1876, of the circuit court. Penitentiary, seven years. King was doubtless guilty, and a former application for his pardon was refused. But his health, which had been bad, grew worse. The warden of the penitentiary wrote that he was dying by inches, and could not live much longer in confinement. The physician of the penitentiary certified that he had general dropsy, due to organic disease of the heart, and could not live long under any circumstances. He was pardoned October 31st, 1881.

NO. 52.

E. B. CRADDOCK. Tallapoosa county. Manslaughter in the first degree. Convicted at the fall term, 1881, of the circuit court. Penitentiary, one year. Craddock was an old man, his character was good, and the provocation to the homicide was very great. He had lived in the county forty years, and was widely known and greatly respected as a peaceable, law-abiding, and honest

man. He had the sympathy of the whole community in the unfortunate affair in which, at seventy years of age, he became involved. His only son and one A. O. Duncan, had a difficulty, which resulted in the killing of the former by the latter. Up to the firing of this first fatal shot, E. B. Craddock participated as a peacemaker only. As the son fell the father closed with Duncan, and in the struggle that ensued, became possessed of the pistol the latter had used, with which he killed the man whose act had just left him childless. He did not kill Duncan in self-defence, for the latter was making off when he was shot. The jury reluctantly convicted for the lowest offence possible, and immediately petitioned for the pardon of the convict. The judge of probate and most of the county officers, nearly all the members of the Tallapoosa bar, and quite a thousand other citizens joined the jury in a plea for executive clemency. A pardon was granted October 31st, 1881.

NO. 53.

JIM HUDSON (colored). Butler county. Obtaining goods under false pretences. Convicted at the fall term, 1878, of the circuit court. Hard labor for the county, two years, and additional hard labor to pay the costs at not more than fifty cents a day. He had been at hard work for the county for nearly three years; "but the proceeds of his labor were first applied to the payment of the solicitor's fees and the court costs and the amount of the value of the property" (obtained under the alleged false pretence). The proceeds of the labor thus applied had paid in full the fees and costs and the judgment to the mortgagee and had paid into the county treasury forty-six dollars at the time the petition for pardon was prepared, which was several months before the granting of the pardon. The judge who sat in the case, and the solicitor who prosecuted it, thought in one for executive clemency. Pardon was granted December 5th, 1881.

NOS. 54, 55, 56 & 57.

RHODA LEWIS, FRED REYNOLDS, HENRY WASHINGTON, and JERRY WILLIAMS (all colored). Montgomery county. Transporting seed cotton between sunset and sunrise. Convicted at the October term, 1881, of the city court of Montgomery. Sentence suspended for executive action. (The penalty for this offence is not less than two years nor more than five years in the penitentiary.) These were colored farm laborers, living from seven to nine miles from the city, and, hauling their own cotton to a ginnery in the city with ox teams, they started before sunrise to avoid the heat of the day and to have their cot-

ton ginned and return home before late at night. The cotton was their own, free from rent, advances, or other claims, and they had not the slightest idea they were committing a felony or lesser offence. They were all pardoned December 5th, 1881.

NO. 58.

SAM WILLIAMS (colored). Montgomery county. Removing seed cotton between sunset and sunrise. Convicted at the October term, 1881, of the city court of Montgomery. Penitentiary, two years. This was in all material respects like Nos. 54, 55, 56 and 57. Pardoned December 10th, 1881.

NO. 59.

HERSCHEL V. LEE. Dale county. Selling or giving liquor to a minor. Convicted at the fall term, 1881, of the circuit court. Hard labor for the county, twenty days to pay a fine of fifty dollars and an additional period of three hundred and forty nine days for cost. About two years before this conviction several liquor dealers, and at the same time Lee and one O'Neal, who were not liquor dealers, were indicted for the offence charged in this case. The other persons thus indicted had been tried at previous terms of the court, and acquitted. O'Neal was tried upon precisely the same testimony which convicted Lee, and acquitted. It was alleged that Lee, while drunk, had a bottle of beer and one of brandy, and invited a number of persons around, including the witness, a minor, to drink. The witness drank, but did not remember whether it was beer or brandy. The witness was known in the community as a bad boy, and was afterwards indicted for perjury. The petitions for pardon were signed by J. W. Simmons, judge of probate, J. A. Adams, clerk of the circuit court, Jesse M. Carmichael, and about two hundred others. Pardoned December 9th, 1881.

NO. 60.

CARTER WRIGHT (colored). Lowndes county. Assault with intent to murder. Convicted at the fall term, 1881, of the circuit court. Hard labor for the county, two years, and for costs two hundred and sixty four days. In the difficulty in which the offence was committed, Wright was shot in the face by one man, and beat over the head with a pistol by another, and it appears altogether probable he was justified entirely in the act for which he was convicted. Judge Moore and Solicitor Pitts recommended pardon. The petition in his behalf was signed by M. A. Graves,

Sheriff R. E. Brinson, Deputy Sheriff (who shot Wright in the difficulty) A. E. Caffey, John Enochs, Girard Cook, J. P. Caffey, E. J. Maull, D. J. McCord, John J. Steele, E. P. Robinson, and a large number of others. Pardoned December 9th, 1881.

NO. 61.

M. W. CURRY. Pickens county. Retailing liquor without license. Convicted at the fall term, 1881, of the circuit court. Fine, seventy-five dollars. In October, 1880, Curry engaged in the retail liquor business in Memphis, and applied to the probate judge for license. Judge Williams informed him he had no blanks then, but would have in a short while, and told him to commence business and license would be sent to him as soon as the blanks were received. About October 25th, he mailed to the probate judge money to pay for license, which, however, he did not receive. About the middle of December he quit business, not having had license. A petition for remission of the fine was signed by M. F. Cook, probate judge, W. G. Robertson, clerk of the circuit court, W. P. Owings, sheriff, and J. A. Billups, register in chancery, and by J. B. Stansell, M. L. Stansell, W. F. Johnson, T. G. Williams (judge of probate at the time the offence was committed), E. D. Willett, D. C. Hods, A. Henry, J. R. Hinton, A. H. McClung and others. The fine was remitted December 9th, 1881.

NO. 62.

WILLIS McWHORTER (colored.) Butler county. Assault with intent to murder. Convicted at the fall term, 1875. Three years hard labor for the county, and an additional period to pay costs at fifteen dollars a year. His sentence for the offence expired about December 18th, 1878. At the price at which he was hired by the commissioners' court to the Milner, Caldwell & Flowers Lumber Company, he would not have worked out the costs, which appear to have amounted to about seventy-five dollars, until about the 22d of September, 1883. He had been at work for the cost more than three years. It was alleged that he was a good blacksmith, whose labor was worth from twenty to twenty-five dollars a month, or from two hundred and fifty to three hundred dollars a year. A petition for his pardon was signed by J. K. Henry, circuit judge at the date of the conviction, J. L. Powell, probate judge, and Ransom Seale, circuit clerk. To the facts above stated, are the names of John W. Grant, sheriff, P. W. Herbert, deputy sheriff, H. B. Pilley, register in chancery, A. F. Posey, Thos. J. Judge, A. B. Dulin, Robert

J. Riley, S. B. Stephens, Edward Crenshaw, W. K. Parmer, John Murphy, S. W. Fail, W. H. Morris, G. D. Bargainer, T. W. Lee, P. O. Harper, and J. F. Bargainer. Pardoned December 14, 1881.

NO. 63.

JOHN NELSON. Franklin county. Carrying a weapon concealed. Convicted at the fall term, 1881, of the circuit court. Fine, fifty dollars. Nelson was a quiet, sober, peaceable young man, who carried the pistol because he had been threatened by one Augustus Petrie, who was violent and dangerous when drinking, and had attempted to get into the house where Nelson was sleeping to do him injury. Nelson carried the pistol because he believed himself in danger, and for protection only. Judge Speake and Solicitor Jones promised to sign a petition for a remission of the fine, but, on account of their absence from the county, it was not presented to them. The petition filed was signed by Amos L. Moody, probate judge, Geo. C. Almon, ex-probate judge, David A. Malone, clerk of the circuit court, Thos. H. Moore, register in chancery, and about one hundred others. The fine was remitted December 15th, 1881.

NO. 64.

GRIF FITZPATRICK (colored.) Elmore county. Illegal voting. Convicted at the fall term, 1881, of the circuit court. Penitentiary, two years. Fitzpatrick was convicted of grand larceny at the spring term, 1877, of the circuit court for Elmore county, and was sentenced to hard labor for the county for two years. March 20th, 1878, he was pardoned, but he was not expressly relieved of the civil and political disabilities resulting from his conviction. At the August, 1880, election for State and county officers he voted, after being advised by Judge Suttle that he was a legal voter, and being warned by Judge Lancaster and others that he was not entitled to vote. A petition for pardon was signed by T. H. Watts, sr., M. E. Reese, Thos. J. Mitchell, W. P. Gaddis, J. H. Judkins, Jas. A. Kelly, H. C. Bullock, J. W. Suttle, Ben Fitzpatrick, O. Kyle, McK. Thomas, sr., G. A. B. Smith, Cabott Lull, L. E. Parsons, jr., W. P. Oden, W. S. Penick, Phil Fitzpatrick, J. G. Bass, A. S. Armstrong, J. H. Bankhead, A. T. Goodwyn, R. M. Cunningham, M. G. Moore, Albert Elmore, W. T. Lary and others. Pardoned December 17th, 1881.

NO. 65.

SAMUEL SIMMONS (colored.) Marengo county. Burglary.

Convicted at the spring term, 1879, of the circuit court. Three years hard labor for the county, and an additional term of two hundred and seventy days for cost. Upon the recommendation of the commissioners' court, a deduction of two months from each year of sentence for continuous good behavior was ordered December 24th, 1881.

NO. 66.

JEFF WOODS (colored.) Marengo county. Grand larceny. Convicted at the spring term, 1880, of the circuit court. Hard labor for the county, two years, and an additional term of one hundred and sixty-five days for cost. Upon recommendation of the commissioners' court, a deduction of two months from each year of the sentence for continuous good behavior was ordered December 24th, 1881.

NO. 67.

THOMAS ROBINSON. Montgomery county. Knowingly buying stolen property. Convicted at the October term, 1881, of the city court. Hard labor for the county one year, and an additional period for the payment of costs. Robinson had bought from one Oliver Delsha, colored, for four dollars, a yellow and white bull, which he sold on the same day to Phil Campbell, colored, a butcher, for eight dollars. The animal proved to be a Jersey bull belonging to Dr. W. O. Baldwin, and had been stolen. Robinson had bought the animal in daylight, at his store in the suburbs of Montgomery, and had taken a bill of sale for the purchaser. It was claimed he had bought it in good faith and without reason to think it was stolen. He proved a reputation above reproach for integrity and fair dealing by Adolph Gerald, chief of police, W. T. Metcalf, A. Moog, J. W. Hardie, Berry Tatum, Josiah Morris, William C. Ray, and M. P. LeGrand. It was claimed that the convict's counsel were surprised by the admission on the trial of testimony in reference to the distinctive marks on Jersey cattle, which was thought to have had great effect on the jury, to rebut which affidavits were filed with the application for relief. Petitions for pardon were signed by J. G. Finley, J. N. Arrington, R. M. Williamson, H. L. Bullock, L. A. Shaver, Gordon McDonald, J. M. Falkner, Thos. H. Watts, jr., A. Gerald, W. W. Allen, James A. Farley, Josiah Morris, J. W. Hardie, D. M. Snow, W. B. Jones, Berry Tatum, T. B. Wilkinson, H. M. Hobbie, W. F. Vandiver, M. P. LeGrand, John S. Jemison, John B. Fuller, John W. Durr, W. Bellinger, and many others who had known Robinson for years. Pardoned January 4, 1882.

NO. 68.

THOMAS ROBINSON, (colored). Montgomery county. Removing seed cotton between sunset and sunrise. Convicted at the October, 1881, term of the city court of Montgomery. Hard labor for the county, two years. This was in all material respects like Nos. 54 to 58 inclusive. Pardoned January 6th, 1882.

NO. 69.

JOE MADIGAN, (colored). Montgomery county. Removing seed cotton between sunset and sunrise. Convicted at the October term, 1881, of the city court of Montgomery. Sentence suspended. This was in all material respects like Nos. 54, 55, 56, 57, 58 and 68. Pardoned January 6th, 1882.

NO. 70.

JIM ANDREWS, (colored). Montgomery county. Removing seed cotton between sunset and sunrise. Convicted at the October term, 1881, of the city court of Montgomery. Penitentiary two years. This was in all material respects like Nos 54, 55, 56, 57, 58, 68 and 69. Pardoned January 7th, 1882.

NO. 71.

JERRY REMBERT, (colored). Marengo county. Grand larceny. Convicted at the fall term, 1879, of the circuit court. Hard labor for the county two years, and an additional period of four hundred and fourteen days for cost. Rembert had sustained a good character previous to conviction. His conduct as a convict had been good. He was convicted upon evidence thought weak and inconclusive by the bar generally, and but for the absence of one witness it was believed he would have been acquitted. He had served the term of sentence for the larceny, from which, on application, he would have been entitled to a reduction of two months from each year. Pardoned, January 7th, 1882, upon the petition of General Poelnitz and others.

NO. 72.

D. WASHINGTON PRINCE. Washington county. Selling liquor without license. Convicted at the fall term, 1881, of the circuit court. Fine, ninety dollars. Prince bought the bar-room, fixtures, and business of one Daniel Sumrall, who had taken out license, and supposed the license passed with the business to him.

He was an honest, industrious, and poor young man, and had not intended to violate the law or knowingly done so. G. W. Taylor, solicitor, joined with B. F. Porter, probate judge; J. M. Pelham, sheriff; J. O. Sims, circuit clerk, and others in petitioning for a remission of the fine, which January 7th, 1882, was reduced to thirty dollars.

NO. 73.

COLUMBUS A. ROBBINS. Jefferson county. Assault and battery. Convicted at the spring term, 1880, of the circuit court. Fine, four hundred and fifty dollars. Robbins was poor, and his character was good. Mitigating circumstances were shown. Seven of the jurors petitioned for reduction of the fine to one hundred dollars. The costs amounting to more than two hundred dollars had been paid. John C. Morrow, probate judge; A. C. Bradley, clerk of the circuit court, E. R. Fulton, G. W. Hewitt, W. A. Walker, jr., and R. H. Pearson, prosecuting attorney in the case, concurred in the recommendation of the jury. January 7th, 1882, one half of the fine was remitted.

NO. 74.

LIZZIE TOWNS (colored). Sumter county. Grand larceny. Convicted at the fall term, 1881, of the circuit court. Hard labor for the county one year. The woman was violently insane at times. In the intervals between her insane fits, she was quiet, gentle, and inoffensive, but of weak mind, and easily led astray, as in this instance, by worse and stronger people. Her pardon was recommended by Judge Mudd and Solicitor Coleman. Pardoned January 10th, 1882.

NO. 75.

J. S. PITTS. Chilton county. Retailing liquor without license. Convicted at the fall term, 1881, of the circuit court. Fine, one hundred dollars. Dr. Pitts was a practicing physician. He prescribed for J. S. Mullins, whiskey in combination with sulphate of morphine, compounded spirits of lavender, and simple syrup, and put it up from his stock of medicines—six ounces in all, one ounce to be taken every two hours. The prescription was made, and administered, in good faith. The fine was remitted Februrary 3d, 1882,

NO. 76.

SAM McQUEEN (colored) and S. J. ANDERSON. Montgomery county. Forfeiture on appearance bond. One hundred dollars.

Final judgment at the July term, 1881, of the city court. These were sureties on the appearance bond of one Lucy Johnson (colored). After the conditional judgment had been entered, the case against Johnson was *nolle prossed*, and the sureties, thinking the matter thus settled as to them as well, failed to show cause at a subsequent term of the court why the judgment against them should not be made final. Judge Minnis thought it a case for executive interference. One-half of the forfeiture was remitted February 16th, 1882.

NO. 77.

STEPHEN EADS (colored). Perry county. Selling or giving liquor to a minor. Convicted at the fall term, 1881, of the circuit court. Fine, fifty dollars. Eads is a hard-working, industrious man of good character, farming for himself; and, to encourage his laborers, gave them occasional drinks. Among these laborers was the minor, for giving to whom whisky he was indicted and convicted. A petition for remission of the fine was signed by J. H. Stewart, probate judge, J. B. Cocke, sheriff, L. S. Jones, circuit clerk, P. H. Pitts, solicitor, George R. White, tax collector, C. H. Seawell, register in chancery, and many prominent citizens, and was approved by John Moore, circuit judge. The fine was remitted February 23d, 1882.

NO. 78.

BEVILL & MARKS. Choctaw county. Retailing liquor without license. Convicted at the fall term, 1881, of the circuit court. Fine, ninety dollars. These persons, merchants, had sold in bottles a preparation known as "Tolu Rock and Rye," upon each package of which was a United States Internal Revenue stamp, and which they supposed to be, in the eye of the law, a proprietary medicine, and not a spirituous, vinous, or malt liquor. Executive clemency was recommended by Solicitor Taylor. On the 23d of February, 1882, two-thirds of the fine was remitted.

NO 79.

E. T. EZELL. Choctaw county. Retailing liquor without license. Convicted at the fall term, 1881, of the circuit court. Fine, one hundred dollars. Ezell and four or five friends clubbed together and ordered from Tennessee a barrel of apple brandy. The brandy was ordered in his name and sent to him, and by him distributed to the others. He did not engage in the business of selling liquor. He was simply an agent for his associates in ordering

the brandy from another State. Solicitor Taylor recommended remission of the fine, and this was done February 23d, 1882.

NO. 80.

JAMES B. WELLS. Marengo county. Burglary. Convicted at the spring term, 1876, of the circuit court. Penitentiary, two years. The sentence had been publicly executed. Prior to his offence, his character had been good. Subsequent to his discharge his conduct and habits had been good. The probate judge, circuit clerk, and other officers, and citizens of the county asked a pardon for the restoration of his forfeited civil and political rights and privileges. Pardoned February 23d, 1882.

NO. 81.

ROBERT D. JAMES. Mobile county. Setting up and carrying on a lottery. Convicted at the November term, 1881, of the city court of Mobile. Hard labor for the county, thirty days for a fine unpaid, and an additional term of two hundred and thirty-nine days for costs. James was represented as a harmless, thoughtless young man, of good character, very poor, and greatly reduced by misfortunes that never came singly. The court would have discharged him on payment of the cost, but he could not get the money for this. Dr. Wm. Paton, his physician, certified to the condition of his health and his physical inability to perform hard labor. Petitions for his pardon were signed, with many others, by Price Williams, Jr., probate judge, Peter Burke, sheriff, W. J. Brainard, deputy sheriff, D. T. Parker and A. Baerman, revenue commissioners, R. B. Owen, recorder of the Port, Neil McCarron, Braxton Bragg, Gaylord B. Clark, W. J. Hearin, James K. Glennon, Owen Farley, W. L. Baker, and forty-five officers and men of the city police force. Special letters in his interest are on file from C. E. Thomas, J. J. Parker, Leslie B. Sheldon, T. N. Fowler, and C. C. Langdon. A petition from Clarke county in his behalf, was signed by the probate judge, sheriff, circuit clerk, tax collector, tax assessor, and member of the legislature, and other prominent citizens. He was pardoned February 27th, 1882.

NO. 82.

CROMWELL JONES (colored). Hale county. Grand larceny. Convicted at the spring term, 1880. Hard labor for the county, two years. Upon the recommendation of the commissioners' court, on the 6th of March, 1882, a deduction of two months

from each year of the sentence was ordered for continuous good conduct as a convict.

NOS. 83 & 84.

WILLIAM CREAMER and HENRY BEGGS. Cleburne county. Grand larceny. Convicted at the spring term, 1882, of the circuit court. Penitentiary, two years each. They were charged with stealing a keg of brandy which one A. B. Hilton had hidden in a brush pile some distance from any house. They took the brandy, according to the evidence, and the jury necessarily returned a verdict of guilty. The prosecutor knew of their act the day following, but did not prosecute for nearly two years, and then only when he was himself prosecuted for selling liquor to one of the convicts, a minor. They were very young when the offence was committed. They intended it only for "a good joke," it was claimed, and had no felonious intent. Upon the petition of T. J. Burton, probate judge, J. L. Roberts, sheriff, J. P. Yarbrough, circuit court clerk, S. A. Johnson, register in chancery, three of the county commissioners, and about three hundred other citizens of the county, and the recommendation of Judge Box, before whom they were tried, their sentences were on the 11th of March, 1882, commuted to one year at hard labor for the county, each.

NO. 85.

JOHN W. CUNNINGHAM. Walker county. Carrying concealed a pistol. Convicted at the spring term, 1881, of the circuit court. Fine, fifty dollars. Cunningham was young, poor, of good character, and a hopeless invalid. He had carried the pistol to sell it at the time and place where the offence was committed. He had not been in the habit of carrying a pistol concealed or otherwise. He had paid costs to the amount of over fifty dollars. In consideration of previous good character, his youth, poverty and health, and the costs paid, the fine was remitted March 18th, 1882.

NO. 86.

CLARA FOSTER (colored). Bullock county. Disturbing religious worship. Convicted at the spring term, 1882, of the circuit court. Hard labor for the county, ten days for fine unpaid, and an additional term for forty-six dollars cost at thirty cents a day. The girl, with but one arm, was convicted upon the flimsiest evidence, and her guilt was very doubtful. James B.

Powell, prosecuting attorney, James L. Tanner, R. H. Powell, J. T. Norman, W. O. Baldwin, E. J. McIver, commended her to executive clemency. Pardoned March 20th, 1882.

NO. 87.

W. P. POWELL. Chilton county. Using abusive or insulting language in the presence of a female. Convicted at the fall term, 1881, of the circuit court. Fine, eighty-five dollars. The prosecutor, the jury, and a good many of Powell's neighbors commended the case to executive clemency. On the 17th of April, thirty-five dollars of the fine was remitted.

NO. 88.

BURRELL STARNES (colored). Marshall county. Burglary. Convicted at the fall term, 1881, of the circuit court. Penitentiary, one year. In consideration of his age, his previous good character, mitigating circumstances, and the belief that he was perhaps influenced by bad white men, the judge, the prosecutor, the prosecuting attorney, several of the county officers, and many citizens commended him to executive clemency. He was pardoned April 26th, 1882, one half of his term having expired.

NOS. 89 & 90.

ELIAS LOCKWOOD and ALBERT NEAL (colored). Russell county. Larceny of a steer. Convicted at the fall term, 1881, of the circuit court. Hard labor for the county, one year each, and an additional period each for costs. These were old and infirm men. They had been in jail six or seven months before trial. There were mitigating circumstances. Judge Clayton, Solicitor Lee, and the jury recommended their pardon. Pardoned April 27th, 1882.

NO. 91 & 92.

BUCK HARRIS and DICK SHEPHARD (colored). Perry county. Grand larceny. Convicted at the spring term, 1882, of the circuit court. Hard labor for the county, one year each, and an additional term of ninety-seven days each, for costs. One Ware, a co-defendant, stole the hogs. Shephard and Harris helped kill them at Ware's place, believing they were Ware's. Their pardon was advocated by Judge Moore, before whom they were tried. Pardoned May 10th, 1882.

NO. 93.

W. R. HILL, JAMES B. FORD and R. J. HARRISON. Madison county. Forfeiture on bail bond. Final judgment, January term, 1882, of the county court. Two hundred dollars. Hill had given bond, with Ford and Harrison as sureties, for his appearance at the November term, 1881, of the county court, to answer some charge not stated. He was in attendance on the court at the term fixed, but was taken sick and was advised by his physician to go home, which he did before the case was called. The doctor promised to report Hill's condition to the court and forgot to do so. A conditional judgment was entered then. At the January term, 1882, of the court, Hill was in Jackson county, sick in bed, and could not show why final judgment should not be taken. Drs. Dement and Lowry testified to parts of their statement; and Judge Richardson was assured of its entire correctness, and recommended that relief be granted. The forfeiture was remitted May 13th, 1882.

NO. 94.

HENRY HAYS, *alias* HENRY HAZE (colored). Coosa county. Adultery or fornication. Convicted at the spring term, 1882, of the circuit court. Twenty-one hundred dollars. Hays and Emma Frazer were jointly indicted. A *nolle prosequi* was entered in the case of Frazer. Hays pleaded guilty. Subsequently these persons were married, and lived together, conducting themselves well. Judge Cobb, before whom the conviction was had, John S. Bently, probate judge, H. R. Robbins, sheriff, W. L. Smith, circuit court clerk, and others, recommended remission of the fine, which was ordered May 13th, 1882.

NO. 95.

W. T. HAMILTON. Fayette county. Carrying a pistol concealed. Convicted at the spring term, 1882, of the circuit court. Fine, fifty dollars. Hamilton was marshal of the town of Fayetteville. August 20th, 1881, "a number of boisterous and disorderly persons went to town and organized an armed force for the purpose of resisting arrest, and for the further purpose of rescuing from the custody of the marshal, one Samuel Porter," and for protection Hamilton armed himself with a pistol, which, unlawfully, he carried in his pocket concealed. He was attacked by the mob with drawn knives and menacing gestures, and by a display of his weapon and an expressed determination to use it, did hold Porter in custody and was enabled to arrest the whole of the mob. Judge

Mudd, Solicitor Coleman, Holland M. Bell, judge of probate, F. M. Cain, sheriff, John N. Black, the town mayor, R. J. Smith, town clerk, all the aldermen of the town, and others, asked that the fine be remitted, which was ordered May 13th, 1882.

NO. 96.

JOHN OWEN (colored). Lawrence county. Grand larceny. Convicted at the spring term, 1879, of the circuit court. Hard labor, two years, and an additional term, duration not stated, for cost. The indictment, returned at the fall term, 1877, of the circuit court, charged the taking and carrying away of six ears of corn, a part of a growing crop, the property of Columbus Dodson. Owen was arrested, and failing to give bail for his appearance to answer, was put in jail and was kept there about twenty months before he was tried and convicted. He was put at hard labor under the sentence, July 2nd, 1879, and had served two years for the larceny and nearly one year for the costs. It was not stated how much longer it would have taken him to satisfy the judgment for cost. Pardoned May 13th, 1882.

NO. 97.

EDGAR SOMMERKAMP. Montgomery county. Aiding prisoner to escape. Convicted at the February term, 1881, of the city court of Montgomery. Hard labor for the county, two years, and an additional term of one hundred and sixteen days for costs. Sommerkamp made an attempt to get his nephew, C. S. C. Brown, charged with murder, out of the Montgomery county jail. The attempt was abortive, and Sommerkamp and one of his accomplices were arrested and convicted. He had served out more than a year of the sentence. This was deemed sufficient as a warning to others. He was pardoned May 16th, 1882.

NO. 98.

JOHN WILSON. Lee county. Common tramp. Convicted at the January term, 1882, of the county court. Hard labor for the county, six months, twenty days additional for a fine of fifty dollars, and a further term of one hundred and twenty days for cost. Wilson's family lived in Washington city, honest, poor, and respectable people. His conduct to the time he left home, the fall before the conviction, was proved by his teachers and his employees to have been good. He then wandered away from home, and "tramped" as far southward as Lee county. He was charged with no other offence. It was hoped the punishment he had

received was sufficient to work his reformation, while it would serve as a warning to others. Pardoned May 27th, 1882.

NO. 99.

J. P. CARTER. Pike county. Selling liquor within a prohibited district. Convicted at the spring term, 1882, of the circuit court. Fine, fifty dollars. Carter had taken license for the sale of liquor in Orion, for the year 1881. In February, 1881, the Legislature passed an act which prohibited the sale in the town and vicinity. It was shown that he made efforts to ascertain the provisions of this act, and was assured that it did not annul his license, and acting upon this information subjected himself to the penalty of the law. Remission of the fine was asked by W. J. Hilliard, probate judge, John H. Morgan, sheriff, Oglethorpe Worthy, circuit court clerk, L. H. Bowles, senator, and F. J. Cowart, representative, and was recommended by Judge Cobb and Solicitor Ferguson. The fine was remitted June 1st, 1882.

NO. 100.

ABE McDOUGALD (colored). Russell county. Manslaughter in the first degree. Convicted at the spring term, 1882, of the circuit court. Penitentiary, one year. McDougald was about seventy years old, and his character had been excellent. As slave and freedman, he had been honest, trustworthy, and reliable. He had never left the family of his old master, but remained with them, serving them faithfully, and protected and cared by for by them. In 1879, there was a fight between a number of the colored laborers on the McDougald plantation and a number of the colored laborers on the Fountain plantation, in which Tom Schley, one of the latter party, was killed. Nine of the McDougald party were indicted for this killing, and one of them died. One escaped. The other seven were tried at the spring term, 1882, of the Russell circuit court. Of these, John King was convicted of murder in the second degree, and sentenced to the penitentiary for ten years; Alamus Jumper and Lucius Jumper were convicted of manslaughter in the first degree, and sentenced to the penitentiary for five years each; Abe McDougald was convicted of manslaughter in the first degree, and sentenced to the penitentiary for one year. The others were acquitted. McDougald's sentence was suspended for thirty days for executive action. His pardon was advised by Judge Clayton, and earnestly asked by several hundred of the best citizens of Russell county, and of Columbus, Ga. He was pardoned June 5th, 1882.

NO. 101.

ANDREW M. WOOD. Sumter county. Manslaughter. Convicted at the fall term, 1881, of the circuit court. Penitentiary, two years. Woods was proved to be a man of good family, good disposition, and good character. The man killed was turbulent and dangerous when drinking, and had threatened Wood's life. There was great provocation at the time of the killing, but the evidence showed no impending necessity. There was great sympathy for the convict, and petitions for his pardon were signed by hundreds and sent to the executive immediately after his conviction. This was then refused. But on the 18th of June, 1882, one half the sentence having expired, upon the advice of Solicitor Coleman, and with the approval of Judge Mudd, and on proof of good conduct as a convict, he was pardoned.

NO. 102.

CHARLES COX. Pike county. Selling liquor without license. Convicted at the spring term, 1882, of the circuit court. Fine, three hundred dollars. On the 1st of February, 1881, Cox was doing a retail liquor business with a partner, under the firm name and style of Cox & White. On that day, their license expired. On enquiry, he was informed that he would have until the 15th of February to take license for another year. On the 15th of February, he sold his interest in the business to his partner, who took out license at once. He was indicted, convicted, and fined as above stated. A petition for a remission of the fine was signed by W. J. Hilliard, probate judge, J. H. Morgan, sheriff, Oglethorpe Worthy, clerk of the circuit court, L. H. Bowles, senator, F. J. Cowart, representative and W. H. Parks, John D. Gardner, M. N. Carlisle, Henry Opp, W. D. Wood, and Henry C. Wyley, lawyers, and others. The fine was remitted June 12th, 1882.

NO. 103.

JAKE DAVIDSON. Wilcox county. Living in adultery with a negro woman. Convicted at the spring term, 1882, of the circuit court. Hard labor for the county, two years. Davidson was a young man of excellent character and habits. He was convicted upon the testimony of a witness whose motive was unfriendly. It was claimed that at the outside and worst, only a case of fornication was made out. P. H. Pitts, solicitor, recommended pardon, or a commutation, as did A. D. Pitts, acting solicitor when the indictment was found. All the jurors petitioned for his unconditional pardon. Petitions for pardon were signed

by W. L. Jones, sheriff, W. J. Bonner, clerk circuit court, R. H. Dawson, R. C. Jones, E. N. Jones, J. T. Beck, Brutus Howard, J. Y. Kilpatrick, L. W. Jenkins, R. E. McWilliams, A. C. Matheson, Thos. Bragg, T. S. Caldwell, D. M. A. Dansby, V. J. Smith, J. Q. Dansby, and several hundred others. On the 29th of June the sentence was commuted to a fine of one hundred dollars.

NO. 104.

JOHNSON LEE, *alias* JOHNSON TUNSTALL (colored). Hale county. Grand larceny. Convicted at the spring term, 1882, of the circuit court. Hard labor for the county, one year, and an additional term of fifteen months for costs. The grand larceny was the theft of an ox. A negro named Moore was the only witness, a non-resident of the county, and of indifferent character; and he is impeached by the affidavit of Mr. W. T. Poe, a gentleman of undoubted veracity, which is filed in this case. A petition for pardon was signed by J. M. Hobson, probate judge, J. V. Locke, sheriff, V. Boardman, clerk of the circuit court, G. W. Chadwick, county treasurer, V. Gayle Snedigar, register in chancery, Thomas R. Roulhac, James E. Webb, A. A. Coleman, Charles E. Walker, and others. Pardoned June 30th, 1882.

NO. 105.

THOMAS J. MARTIN. Talladega county. Forfeiture on bail bond. Final judgment at the fall term, 1881, of the circuit court. Three hundred dollars. Martin was surety on the appearance bond of one Tepton Brown. Brown failed to appear at the term of the court to which he was held, and a conditional forfeiture was entered on the bond. When advised of this, Martin at great trouble and expense procured Brown's arrest and had him delivered to the sheriff of the county. Ignorant of the procedure in such cases, he supposed this satisfied the conditions of the bond, and showed no cause why the judgment against him should not be made final. Forfeiture remitted July 11th, 1882.

NO. 106.

ISAAC CROSBY (colored). Conecuh county. Petit larceny. Convicted at the spring term, 1872, of the circuit court. Fine, five dollars, and damages ten dollars. The judgment had been satisfied. Pardon was sought for the restoration of his forfeited civil and political rights and privileges. It was recommended by a number of good citizens. Crosby's conduct since his conviction has been good. Pardoned July 14th, 1882.

NO. 107.

JAMES DESMOND. Mobile county. Robbery. Convicted at the fall term, 1878, of the city court of Mobile. Penitentiary, ten years. Desmond and another sailor were on a spree. They had a fight, in which Desmond took from the person of the other a small sum of money, which he spent with other sailors for whisky. Judge Semmes said, that while the offence was technically robbery, it was really larceny from the person, in which he was joined by Solicitor Tompkins. A petition for pardon was signed by Probate Judge Williams, Sheriff Burke, Chief of Police Williamson, Neil McCarron, judge of the inferior criminal court, and most of the jurors. He had been in the penitentiary nearly four years, and his conduct had been good. Pardoned July 24th, 1882.

NO. 108.

BURTON WILLIAMSON. Lawrence county. Manslaughter. Convicted at the fall term, 1881, of the circuit court. Hard labor for the county, one year. Upon the recommendation of the court of county commissioners, a deduction of two months from the year of his sentence, for continuous good behavior, was made August 21st, 1882.

NO. 109.

SAMPSON WAGONER (colored). Jackson county. Resisting officer. Carrying a concealed weapon. Convicted in May, 1881, in a justice's court, in precinct three. For the first offence, hard labor for the county, for fine, ninety days, and six months. For the second offence, hard labor for the county, for fine, seventy days, and six months. And for the costs in the two cases not paid or secured, hard labor for the county, forty-eight days. The sentences were excessive and illegal. Pardoned August 22nd, 1882.

NO. 110.

H. P. WAITS. Coosa county. Carrying a pistol concealed. Convicted at the spring term, 1882, of the circuit court. Fine, fifty dollars. Waits was harmless, inoffensive, poor and ignorant. He was unable to employ counsel at his trial. His handlings of the weapon was with no intent of carrying it, but a mere incident of a small trade. Remission of the fine was petitioned for by Judge Bentley, Sheriff Robbins, Circuit Clerk Smith, and

other county officers, and a number of other citizens, and was recommended by Judge Cobb and Solicitor Darby. Forty dollars remitted August 22d, 1882.

NO. 111.

H. B. DAY. Jefferson county. Burglary. Convicted at the spring term, 1882, of the circuit court. Penitentiary, two years. While drunk to unconsciousness, Day was taken to the room of one Frank Boone, in F. Rehle's house. The next morning he was arrested in bed in Boone's room, still hopelessly drunk, and a vest alleged to have been stolen was on him. He was charged with burglary in breaking into the house, and with grand larceny. The court was in session, and Day and Boone were both indicted for both offenses, and he was at once arraigned for trial. He was a stranger, poor, friendless, and still drunk, and without counsel. Under advice, he pleaded guilty to both charges, though he subsequently averred he had no recollection of having done so. For burglary he was sentenced to the penitentiary for two years. After he was returned to jail, he had delirium tremens. It appears that he was a citizen of Pulaski, Tennessee, a painter by trade, and, barring occasional drunkenness, of good character. Many citizens of Pulaski, lawyers, merchants and mechanics, file their testimony to his conduct and standing at home. After the trial, circumstances raised doubts of his guilt, and in many minds this soon deepened into confidence of his innocence. Boone, who also pleaded guilty, acquits Day of any complicity in the crimes. After full enquiry and investigation, Judge Mudd, before whom he was tried, urged that a pardon be granted. Pardoned August 22d, 1882.

NO. 112.

H. B. DAY. Jefferson county. Grand larceny. Convicted at the spring term, 1882, of the circuit court. Hard labor for the county eighteen months. See No. 111. Pardoned August 22d, 1882.

NO. 113.

JOHN BERRY. Autauga county. Grand larceny. Convicted at the spring term, 1882, of the circuit court. Hard labor for the county four years. Organ Tatum and John Berry were jointly indicted for this offence. Organ Tatum pleaded guilty. Afterwards he was introduced as a witness for the State, against the objection of Berry's counsel. There was not sufficient evi-

dence to convict Berry, without Tatum's. The supreme court was claimed to have since held, in another case, that such testimony is inadmissible. Berry failed to take a bill of exceptions and appeal to the supreme court. Upon the ground that he was convicted upon illegal evidence, and therefore improperly convicted, a petition that he be pardoned was signed by J. H. Booth, judge of probate, Geo. C. Spigener, sheriff, W. F. Wilkinson, clerk of the circuit court, W. P. Clark, tax collector, three members of the board of revenue, M. E. Pratt, MacA. Smith, H. J. Livingston and others. Pardoned September 21st, 1882.

NO. 114.

J. C. CARTER. Autauga county. Grand larceny. Convicted at the spring term, 1880, of the circuit court. Penitentiary, two years. There was no doubt of Carter's guilt. Previous applications for pardon had been refused. He was pardoned September 22d, 1882, on account of his health solely, the physician of the penitentiary certifying that he had "congenital asthma, complicated by vesicular emphysema of the lungs and chronic bronchitis," with little probability of recovery, and no immediate danger of death, and expressing the opinion that his health would not improve while he remained in the penitentiary.

NO. 115.

IKE GRAHAM (colored.) Crenshaw county. Grand larceny. Convicted at the fall term, 1880, of the circuit court. Hard labor for the county two years, and an additional term not stated for cost. He had picked up a few ears of corn that had been broken down by some hogs in a field cultivated by a Mrs. Hurst, and carried them to Capt. Bright, from whom he and Mrs. Hurst both rented. He was prosecuted and convicted. His character was good before this offence, and his conduct as a convict was exemplary. He had served out the two years sentence for the larceny. Pardoned September 23d, 1882.

NO. 116.

ISAAC WILLIAMS (colored). Marengo county. Larceny of a hog. Convicted at the special term, 1882, of the circuit court. Penitentiary, one year. The principal and only material witness for the State was one Fenderson, colored. His evidence was set out fully in the papers filed in this case. And it was proved by the affidavits of I. S. Harwell, S. D. Smith and H. A. Mounier,

gentlemen of high character, that the evidence of this witness before Esquire Harwell, at a preliminary examination, was greatly and materially different from that given by him in the circuit court. The character of Williams is shown to have been good. The character of Fenderson is shown to have been bad. Pardoned October 16th, 1882.

NO. 117.

GEORGE S. CAMP. Blount county. Manslaughter, second degree. Convicted at the spring term, 1882, of the circuit court. Hard labor for the county, three months, a further term of three months for the fine of two hundred and fifty dollars, assessed and unpaid, and an additional term of eight months for costs. He had performed the three months imposed as a punishment; he had performed two-thirds of the hard labor imposed upon him for non-payment of the fine, and had paid one-third of the fine in money; and he had paid all the costs. Pardoned October 17th, 1882.

NO. 118.

HENRY DWYER (colored). Jackson county. Grand larceny. Convicted at the spring term, 1880, of the circuit court. Hard labor for the county, two years; an additional term of two hundred and fifty-three days for cost, and a further term of nine hundred and ten days for money stolen. He had served out the sentence for the larceny and for the cost. The money stolen had been recovered. Pardoned October 19th, 1882.

NO. 119.

MARY ANN MARTIN (colored). Jackson county. Grand larceny. Convicted at the spring term, 1880, of the circuit court. Hard labor for the county, two years, an additional term of two hundred and fifty-three days for costs, and a further term of nine hundred and ten days for money stolen. Indicted jointly with Henry Dwyer. She had served out the sentence for the larceny and for costs. The money stolen had been recovered. Pardoned October 19th, 1882.

NO. 120.

MRS. MARGARET R. JONES. Tuscaloosa county. Forfeiture on bail bond. Final judgment at the fall term, 1881, of the circuit court. Five hundred dollars. Mrs. Jones was surety on

the appearance bond of Alexander Foster, colored, charged with burglary. He fled from the county and went into the State of Georgia. She made great efforts to bring him into court. She obtained a requisition on the Governor of Georgia for him, and sent an agent after him; but he was in the custody of the courts there on criminal charges, and the authorities refused to surrender him. Having failed after troublesome and expensive endeavors to bring him to trial, she asked that she be released from the penalties of the bond. Forfeiture remitted October 20th, 1882.

NO. 121.

JOHN H. LUCAS. Shelby county. Manslaughter. Spring term, 1882, circuit court. Penitentiary, one year. Pardoned November 24th, 1882, upon the statement of Henry Wilson, as to the testimony of witness for defence, showing that Lucas acted in self-defence, which witness died a few days before the trial, and upon the recommendation of the jury and the petition of a very large number of the citizens of the county.

NO. 122.

W. A. GARNER. Jefferson county. Forfeiture on bail bond. Spring term, 1882, circuit court. Two hundred dollars. Remitted upon the recommendation and request of James E. Hawkins, acting solicitor. Remitted November 23d, 1882.

NO. 123.

HARVEY GRICE (colored). Macon county. Larceny of an ox. Fall term, 1882, circuit court. Hard labor, one year, and additional for cost. Subsequent to the trial, the presiding judge became convinced of the unreliability of the witnesses on whose testimony he was convicted, and advised pardon, for which all the county officers, Senator Brooks, Representative Foster, R. F. Ligon, and others, petitioned. Pardoned November 24th, 1882.

NO. 124.

MERRITT HINES (colored). Dallas county. Larceny of growing crop. Fall term, 1882, circuit court. Hard labor, one year, for stealing the corn, and hard labor, one hundred and twenty days for being too poor to pay costs of prosecution. Very old. County physician testified to his terribly diseased condition. Pardoned November 17th, 1882.

NO. 125.

HENRY T. VAUGHN. Mobile county. Embezzlement. March term, 1882, of the city court. Hard labor for the county, two years. Pardoned November 4th, 1882, upon the recommendation of A. J. Semmes, judge of the city court; Neil McCarron, judge of the inferior criminal court of Mobile; R. B. Owen, recorder of Mobile; Price Williams, judge of probate; Senator Leslie E. Brooks, Representatives Peter Hamilton, Leroy Brewer, and Samuel Muldon, Peter Burke, sheriff; J. R. Tompkins, D. T. Parker, Gaylord B. Clark, D. P. Bestor, T. N. Fowler, C. E. Thames, F. R. Bromberg, H. F. Toulmin, Joseph Hodgson, Stephens Croom, and others.

NO. 126.

ROBERT MITCHELL (colored). Hale county. Manslaughter. Fall term, 1878, circuit court. Hard labor, five years. Upon recommendation of the commissioners' court, a deduction of two months from each year of the sentence was ordered November 28th, 1882, for continuous good behavior.

NO. 127.

GIBSON LIPSCOMB (colored). Perry county. Trading on farm products between sunset and sunrise, four cases. In each case twenty days hard labor in lieu of fine and six months for cost. Burglary, two cases. In each, twelve months hard labor for county, and in one case twelve months, and in the other eleven months for cost. November term, 1878, Perry court of quarter sessions. Nearly seventy years old and afflicted with rheumatism. Pardoned November 28th, 1882.

R. W. COBB,
Governor.